

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN THE MATTER OF THE SEARCH OF:	NO. MJ23-033
The Person of KUANG CHI WAN	MOTION TO SEAL
	(FILED UNDER SEAL)

The United States respectfully requests that the Search Warrant, Application, and related documents, including this motion and attached proposed orders, be sealed to protect the government's ongoing criminal investigation. The United States of America further respectfully requests that, notwithstanding the requested sealing order, the United States retain the authority to produce the materials subject to this Court's orders as part of its discovery obligations in a criminal case.

I. LEGAL BASIS FOR SEALING

Federal courts are empowered to seal documents in appropriate circumstances. *Cf.* Fed. R. Crim. P. 6(e)(4) (sealing of indictments). It is well-settled that federal courts have inherent authority to control papers filed with the court, *United States v. Shryock*, 342 F.3d 948, 983 (9th Cir. 2003), including the power to seal affidavits filed with search warrants in appropriate circumstances. In *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989), the Court recognized that "information disclosed to the magistrate in support of the warrant request is entitled to the same confidentiality accorded other aspects of the criminal investigation." *Id.* at 1214. This inherent power

1 may appropriately be exercised when disclosure of the affidavit would disclose facts that
2 would interfere with an ongoing criminal investigation. *United States v. Napier*, 436
3 F.3d 1133, 1136 (9th Cir. 2006) (noting that a sealed search warrant protects the
4 “government’s interest in maintaining [the] integrity of ongoing criminal investigations
5 and ensuring the safety of the informant”).

6 **II. FACTUAL BASIS FOR SEALING AND NON-DISCLOSURE**

7 As set forth in the affidavit supporting the search warrant application, in this case,
8 the requested sealing order would be appropriate because the search warrant relates to an
9 ongoing criminal investigation that is neither public nor fully known to the targets of the
10 investigation, and its disclosure may alert the targets to the ongoing investigation.
11 Accordingly, there is reason to believe that notification of the existence of the warrant
12 will seriously jeopardize the investigation, including by giving the targets an opportunity
13 to flee or continue flight from prosecution, destroy or tamper with evidence, change
14 patterns of behavior, or intimidate potential witnesses. *See* 18 U.S.C. § 2705(b). Some
15 of the evidence in this investigation is stored electronically. If alerted to the existence of
16 the warrant, the subjects under investigation could destroy that evidence, including
17 information saved to their personal computers.

18 **III. CONCLUSION**

19 For the above reasons, the United States respectfully requests that the Court enter
20 the attached order sealing the warrant application materials and other documents related
21 thereto, including the motion and order related to sealing, until the earliest of the
22 following: (a) two weeks following the unsealing of any charging document in a matter
23 for which the warrants were issued; (b) two weeks following the closure of the
24 investigation for which the warrants were issued; or (c) sixteen months following
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1 issuance of the warrant, unless the Court, upon motion of the government for good cause,
2 orders an extension of the Order.

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5 DATED this 20th day of January, 2023.

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7 Respectfully submitted,

8 NICHOLAS W. BROWN
9 United States Attorney

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11 /s/ Todd Greenberg
12 TODD GREENBERG
13 Assistant United States Attorney
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